

In re Application of:
Hay and Hawkins
Application No.: 09/270,983
Filed: March 17, 1999
Page 4

PATENT
Attorney Docket No.: CIT1130-1

II. REMARKS

Upon entry of the present amendment, claims 1, 2, 67, and 68 will be pending.

A. Regarding the Amendments

Claims 3 to 7, 57 to 66, and 69 to 71 are cancelled herein without disclaimer, and without prejudice to Applicants pursuing prosecution of subject matter encompassed within one or more of the claims in an application claiming the benefit of priority of the subject application.

Claim 1 has been amended to incorporate the language of previously pending claims 4 and 6, which have been cancelled herein. Claim 67 has been amended to incorporate the language of claims 70 and 71, which have been cancelled herein. As such, it is submitted that the amendments do not add new matter. Further, the amendments do not raise new issues for consideration or search, but merely incorporate the language of the claims that were objected to but otherwise allowable. As such, the amendments place the claims in condition for allowance. Accordingly, entry of the amendments is respectfully requested.

B. Claim Objections

Claims 4, 6, 70 and 71 are objected to as depending from rejected claims 3, 67 and 69. The claims have been amended such that the language of claims 4 and 6 have been incorporated into claim 1, and the language of claims 70 and 71 have been incorporated into claim 67. As such, it is respectfully requested that the objection be withdrawn.

C. Rejections under 35 U.S.C. § 112

The objection to the specification and corresponding rejections of claims 59 to 66 under 35 U.S.C. § 112, first paragraph, as allegedly lacking an adequate written description and allegedly lacking enablement are respectfully traversed.

In re Application of:
Hay and Hawkins
Application No.: 09/270,983
Filed: March 17, 1999
Page 5

PATENT
Attorney Docket No.: CIT1130-1

Although Applicants maintain that the claims are adequately described and enabled for the reasons of record, the claims nevertheless have been cancelled to advance prosecution of the subject application. Accordingly, it is submitted that the rejections are moot.

D. Prior Art Rejections

The rejection of claims 1 to 3, 5, 57 to 61, and 67 to 69 under 35 U.S.C. § 102(b) as allegedly anticipated by Sakai et al. is respectfully traversed.

It is stated in the Office Action that Sakai et al. describe a H-Ras/SREBP-2 fusion protein comprising an NH₂-terminal sequence that projects into the cytosol and comprises a transcription factor ("reporter polypeptide"), linked to a membrane anchor ("repressor polypeptide"), and that the fusion protein further comprises a protease cleavage site near a transmembrane domain that, when cleaved, releases the NH₂-terminal segment, which enters the nucleus and activates transcription. Applicants point out that the amended claims are directed to a fusion protein comprising a C-terminal Lex A-B42 transcription factor linked to a linker polypeptide comprising a protease cleavage site, which, in turn, is linked to an N-terminal fragment of CD4 or an amyloid precursor protein. Sakai et al. do not teach or suggest such a fusion protein and, therefore, do not anticipate the claimed invention. Accordingly, it is respectfully requested that the rejection of the claims as lacking novelty over Sakai et al. be removed.

The rejection of claims 1 to 3, 5, 57 to 61, 64, and 67 to 69 under 35 U.S.C. § 102(e) as allegedly anticipated by Crabtree et al. is respectfully traversed.

It is stated that Crabtree et al. describe chimeric proteins comprising at least one ligand binding domain fused to an additional "action" domain, which can be a transcriptional activator, and that the chimeric protein can further contain an intracellular targeting domain. As indicated above, however, the amended claims are directed to a fusion protein comprising a C-terminal Lex A-B42 transcription factor linked to a linker polypeptide comprising a protease cleavage

In re Application of:
Hay and Hawkins
Application No.: 09/270,983
Filed: March 17, 1999
Page 6

PATENT
Attorney Docket No.: CIT1130-1

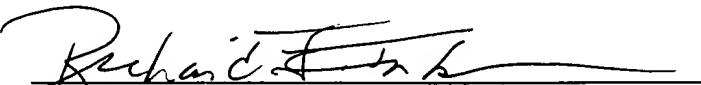
site, which, in turn, is linked to an N-terminal fragment of CD4 or an amyloid precursor protein. Crabtree et al. do not teach or suggest such a fusion protein and, therefore, do not anticipate the claimed invention. Accordingly, it is respectfully requested that the rejection of the claims as lacking novelty over Crabtree et al. be removed.

In view of the amendments and the above remarks, it is submitted that the claims are in condition for allowance, and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to the subject application.

No fee is deemed necessary in connection with the filing of this communication. However, if a fee is required, the Commissioner is hereby authorized to charge any required fee associated with this communication, or credit any overpayments, to Deposit Account No. 50-1355. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

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